WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN		
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD		
IN THE MATTER OF THE DISCIPLINARY		
PROCEEDINGS AGAINST		
DIEGO CAMACHO, JR.,	FINAL DECISION AND ORDER	
d/b/a STEIL CAMACHO FUNERAL HOMES	98 FDR 034	
RESPONDENT.	LS9908113FDR	
The parties to this proceedings for the purpose of Wis. Stats. sec. 227.53 are:		
Diego Camacho, Jr.		

Diego Camacho, Jr. 206 East Harriet Street Darlington, WI 53530

Bureau of Business and Design Professions Funeral Directors Examining Board P.O. Box 8935 Madison, WI 53708-8935

Department of Regulation and Licensing Division of Enforcement P.O. Box 8935 Madison, WI 53708-8935

The State of Wisconsin, Funeral Directors Examining Board, having considered the stipulation agreement annexed-hereto, of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board, that the stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Funeral Directors Examining Board.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 11th day of August, 1999.

Roy T. Pfeffer

Chair

STATE OF WISCONSIN

BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	
PROCEEDINGS AGAINST	
DIEGO CAMACHO, JR.,	STIPULATION
d/b/a STEIL CAMACHO FUNERAL HOMES,	98 FDR 034
RESPONDENT.	
d/b/a STEIL CAMACHO FUNERAL HOMES, RESPONDENT.	98 FDR 034

Respondent Diego Camacho, Jr. (Camacho), and Complainant's attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

- 1. This Stipulation shall be submitted to the Funeral Directors Examining Board (Board) for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation.
 - a. This Stipulation is dispositive of investigative complaint #98 FDR 034.
- 2. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a public hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.
 - a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order Adopting the Stipulation agreement.
- 3. Respondent Camacho of 206 East Harriet Street, Darlington, Wisconsin, d/b/a Steil Camacho Funeral Homes, Darlington and Monroe, Wisconsin, was at all times material to the complaint, licensed as a funeral director and had been so licensed under the provisions of Chapter 445, Wis. Stats., since July 5, 1979.
- 4. The Department received a complaint against Respondent from a funeral director, on behalf of a consumer who had received a copy of Exhibit "A" attached hereto, a "Funeral Planning Survey," endorsed by Steil Camacho Funeral Homes and Crematory.
- 5. The complaint indicated that that consumer who had received the "survey" "was upset and annoyed that Mr. Camacho was able to solicit him in this manner as it is a violation of statute #6.10."
- 6. Paragraph 16 of Exhibit "A" provides:

Would you like free information about funeral planning and the types of services which are available?

If yes, please print your name, phone number, and best time to call.

Name

Phone No.

Best time to call

- 7. Accordingly, due to the mailing of Exhibit "A" supra, authorized and endorsed by Respondent, Respondent Camacho has violated sec. FD 6.10(2), Wis. Adm. Code. A funeral director, owner of a funeral establishment, or an agent may initiate a telephone call by live-voice for the purpose of selling or soliciting a burial agreement funded with the proceeds of a life insurance policy only if all of the following apply:
 - (a) Written notice is sent by a funeral director, owner of a funeral establishment, or agent to the prospective customer at least 10 days in advance of the call.
 - (b) Written notice shall advise the customer of all of the following:
 - 1. The name of the funeral director, owner of a funeral establishment, or agent who will be calling, the

name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

- 2. That the call will only be made between the hours of 9:00 a.m. to 7:00 p.m. central standard time.
- 3. The specific reason for the call in no less than 12-point type.
- 4. That a prospective purchaser may call the person or entity upon whose behalf the call is being made to request that no call be made. This statement shall be in no less than 14-point, bold-faced type.
- 8. Respondent's response to the violation(s) is that he was led to believe that the wording and contents of Exhibit "A" were legal and proper by the "Fortis Family" who authored and mass mailed the form(s).
- 9. Based upon the above and in settlement of the matter, Respondent Diego Camacho, Jr. hereby consents, accepts and agrees to be reprimanded; and pay the amount of \$250.00 as part assessment of costs in resolving this matter.
- 10. The \$250.00 part assessment of costs shall be payable by cashier's check or money order, made payable to the Department of Regulation and Licensing, paid at the execution and submittance of the Stipulation, and submitted to:

Michelle Neverman

Monitor

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

- 11. Respondent and Complainant's attorney Sanders agreed that this stipulation agreement may be incorporated into the Board's Final Decision and Order Adopting the Stipulation Agreement.
- 12. Respondent further agrees that Complainant's attorney Sanders, and the case advisor assigned to the complaint, may appear at any closed-deliberative meeting of the Board with respect to the Stipulation, but those appearances will be limited solely to clarification, justification, and to statements in support of the stipulation and for no other purpose.

Diego Camacho, Jr. July 9, 1999

Respondent Date

Henry E. Sanders July 19 1999

Complainant's Attorney Date